

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No.	:	2006 2187
Appellant	:	George Y. Huang
Application No.	:	10/642,413
Hearing Room	:	B
Hearing Docket	:	B
Hearing Date	:	Tuesday, October 17, 2006
Hearing Time	:	09:00 AM
Location	:	Madison Building - East Wing 600 Dulany Street, 9 <sup>th</sup> Floor Alexandria, Virginia 22313-1450



**REQUEST FOR POSTPONEMENT OF 10/17/06 HEARING**

September 12, 2006

Mr. Roger Williams  
Chief Office Administrator  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

VIA FAX (571) 273-0299

Dear Mr. Williams:

I received the September 1, 2006 Notice of Hearing in the above-identified appeal (copy attached). The Notice scheduled the hearing for Tuesday, October 17, 2006. As explained below, this date conflicts with a patent infringement trial scheduled to start the same day in Los Angeles, California. This communication is my request that the hearing be continued.

## **GROUND FOR REQUEST**

## 1. The Conflict

I am the lead lawyer in a patent infringement case pending in the United States District Court for the Central District of California, Western Division (Los Angeles), *Mobile High-Tech Wheels v. CIA Wheel Group*, Case No. 2:04-cv-09514-RSWL-RZ. On June 21, 2006, the Court in that case scheduled trial for October 17, 2006. A copy of the Court's Order is attached. I am the lead lawyer in that case and there is no other lawyer familiar with the facts and legal issues involved in that case. It is not possible to ask another lawyer to step in without causing serious hardship to my client.

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**2. No Other Lawyer is Available to Argue the Appeal**

I am a solo practitioner and there is no other lawyer available to argue the appeal in this matter. Moreover, I have worked on this application from the beginning, over five years ago, and am familiar with all the facts and legal issues involved. It is not possible to ask another lawyer to step in without causing serious hardship to the Appellant.

**3. Alternative Means**

A telephonic or video conference will not solve the scheduling conflict, as I will be involved in the trial noted above and unable to participate in the hearing by telephonic or video conference.

Therefore, I respectfully request that the October 17, 2006 hearing be postponed.

In order to avoid other conflicts, please be advised that I currently have the following court dates calendared: September 18 and 19, 2006; September 29, 2006; January 22, 2007; February 22, 2007; March 5 and 9, 2007; June 25, 2007; and July 31, 2007.

If you have any questions, please do not hesitate to call.

Respectfully submitted,

  
Duncan Palmatier  
Reg. # 40,759  
Customer # 26860  
Attorney for Appellant-Applicant,

George Y. Huang

## UNITED STATES PATENT AND TRADEMARK OFFICE



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U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

## Board of Patent Appeals and Interferences

LAW OFFICE OF DUNCAN  
PALMATIER  
530 SOUTH ASBURY  
SUITE 5  
MOSCOW, ID 83843

Appeal No: 2006-2187  
 Appellant: George Y. Huang  
 Application No.: 10/642,413  
 Hearing Room: B  
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 Alexandria, Virginia 22313-1450

**NOTICE OF HEARING**  
**CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299      USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address:      Board of Patent Appeals and Interferences  
 United States Patent and Trademark Office  
 P.O. BOX 1450  
 Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE:  HEARING ATTENDANCE CONFIRMED       HEARING ATTENDANCE WAIVED

\_\_\_\_\_  
 Signature of Attorney/Agent/Appellant

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Registration No.

Names of other visitors expected to accompany counsel: \_\_\_\_\_

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
<http://www.uspto.gov/wel/offices/doam/counsel/ecommt.htm#bpa>

**EXHIBIT** \_\_\_\_\_

ORIGINAL

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES-GENERAL

P SEND

SCANNED

CASE NO. CV 04-9514-RSWLDATE: June 21, 2006TITLE: MOBILE HI-TECH WHEELS v. CIA WHEEL GROUPPRESENT: HONORABLE RONALD S.W. LEW, JUDGEKelly Davis  
Deputy ClerkNot Present  
Court Reporter

ATTORNEYS FOR PLAINTIFFS:

Not Present

ATTORNEYS FOR DEFENDANTS:

Not Present

PROCEEDINGS: (IN CHAMBERS)

On the Court's own motion, the Jury Trial set for June 27, 2006,  
is continued to OCTOBER 17, 2006, at 9:00 a.m.

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BOARD OF PATENT APPEALS  
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DOCKETED ON CM

JUN 22 2006

BY DN 026

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EXHIBIT

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